

**CENTRAL ADMINISTRATIVE TRIBUNAL,  
LUCKNOW BENCH,  
LUCKNOW.**

**Original Application No. 489 of 2009**

Reserved on 9.9.2014

Pronounced on 15<sup>th</sup> September, 2014

**Hon'ble Mr. Navneet Kumar, Member-J**  
**Hon'ble Ms. Jayati Chandra, Member-A**

Om Prakash Shukla, aged about 48 years, S/o Sri Ram Pyare Shukla, at present working as Temporary status Group 'D' employee, Office of Head Post Office, Sultanpur.

By Advocate : Sri Surendran P. ....Applicant

Versus.

1. Union of India through Secretary, Department of Posts, New Delhi.
2. Chief Post Master General, U.P. Circle, Lucknow.
3. Director of Postal Services, Lucknow Region, Lucknow.
4. Superintendent of Post Offices, Sultanpur.

.....Respondents.

By Advocate : Sri K.K. Shukla

**ORDER**

**Per Ms. Jayati Chandra, Member-A**

By means of this O.A, the applicant has sought for a direction to the respondents to regularize the service of the applicant on the post of Group 'D'.

2. The facts of the case are that the applicant was appointed on the post of C.P. Chowkidar on provisional basis. He is senior most in the Division on the basis of seniority list published by the respondents on 10.11.2005 (Annexure-2). The scheme known as Casual Labour (Grant of Temporary Status) Regularization Scheme was introduced by the respondents on 12.4.1991. On the basis of said scheme, the applicant was given temporary status w.e.f. 29.11.1989 vide order dated 7.1.1997 (Annexure no.4). There was a departmental policy to recruit nobody from open market for Group 'D' posts except compassionate appointment till casual labourers with the requisite qualification are available to fill up the post in question. The casual labour may be regularized in

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units other than recruiting units subject to availability of vacancy. The applicant having put in more than 22 years of service has given a representation to the respondents to consider his case for regularization, but no heed was paid by the respondents. Hence, this O.A.

3. The respondents have denied the averments of the applicants made in the Original Application by filing detailed Counter Reply. Their contention is that the applicant was engaged as C.P. Chowkidar in KNI Post Office, Sultanpur w.e.f. 10.6.1986. He was conferred with temporary status w.e.f. 29.11.1989 in compliance of order of DG, Posts, New Delhi dated 30.11.1992. Since then he has been treated at par with Group 'D' employee on completion of three years of service in temporary status w.e.f. 29.11.1992. Such persons are regularized as Group 'D' employees on available of vacancy as per their seniority. The applicant can only be considered as per statutory rules and regulations after availability of the post and funds. They have further stated that mere rendering long service with temporary status; it cannot be a ground for regularization. By an earlier judgment pronounced in O.A. no. 145 of 2007 decided on 13.2.2009, the case for regularization of the applicant was dismissed.

4. The applicant has filed Rejoinder Reply denying the averments made in the Counter Reply and reiterating the stand taken in the Original Application. In Rejoinder, the applicant has produced a copy of circular dated 2.9.2005 issued by ADPS for and on behalf of Chief PMG, U.P., Lucknow (Annexure no. RA-1), which lays down the conditionalities for regularization of casual labourers in the face of directions given by various Benches of this Tribunal in similar cases.

5. We have heard the learned counsel for the parties and have also perused the material available on record.

6. The facts with regard to the employment's details given by the applicant are not disputed by the respondents. The applicant

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is only seeking for regularization of his case in accordance with the directions contained in the letter dated 2.9.2005 issued for and on behalf of Chief Post Master General, U.P., Lucknow. As the applicant confined his prayer to the extent that the respondents be directed to consider his claim for regularization in accordance with the directions contained in the circular/OM dated 2.9.2005, the respondents are directed to consider and decide the claim of the applicant for his regularization in accordance with circular/OM dated 2.9.2005 under intimation to the applicant within a period of three months from the date of receipt of copy of this order.

7. With the aforesaid observations, the O.A. stands disposed of with no order as to costs.

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**(Ms. Jayati Chandra)**  
**Member-A**  
Girish/-

*Navneet Kumar*  
**(Navneet Kumar)**  
**Member-J**